

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP., in his official capacity as
President of the United States of America, *et al.*,

Defendants.

No. 22-cv-1213

Consolidated with No. 23-cv-381

Judge Terry A. Doughty
Mag. Judge Kayla D. McClusky

CONSENT MOTION FOR 45-DAY STAY OF ALL DEADLINES

Defendants respectfully move for a 45-day stay of all deadlines in this action. This stay would extend by 45 days the deadlines for the parties' submissions regarding the President's recent executive order set forth in this Court's February 3, 2025 Order, ECF No. 432. Specifically, Defendants seek to extend the deadline, currently set for February 20, 2025, for their submission describing their position regarding the effect of the executive order on this action to April 7, 2025. Plaintiffs' submission would then be due 30 days later on May 7, 2025. Good cause supports this request:

1. As explained in Defendants' Notice, ECF No. 425, on January 20, 2025, the President of the United States issued Executive Order 14149, "Restoring Freedom of Speech and Ending Federal Censorship," 90 Fed. Reg. 8,243 (Jan. 20, 2025), which reflects the position of the United States and provides that, among other things, "[n]o Federal department, agency, entity, officer, employee, or agent may act or use any Federal resources in a manner contrary to" § 2 of the EO, which provides in turn, among other things, in § 2(c), that "[i]t is the policy of the United States" to "ensure that no taxpayer resources are used to engage in or facilitate any conduct that would unconstitutionally abridge the free speech of any American citizen."

2. In light of that executive order, the parties jointly moved for a stay of discovery pending Defendants' submission of a statement describing their position regarding the effect of the executive order on this action, Plaintiffs' submission of a response to that statement, any order issued by this Court on relief sought in those statements, and a joint status report to be filed by the earlier of either April 25, 2025, or 14 days after any order this Court issues pursuant to the statements regarding the executive order. *See* ECF No. 431. This Court granted that motion in its February 3, 2025 Order. *See* ECF No. 432.

3. In light of the change in Administration, Defendants request additional time to confer with new leadership within the Department and at the relevant agencies about this matter and to develop, and give full consideration to, their anticipated submissions regarding the recent executive order.

4. Undersigned counsel contacted counsel for Plaintiffs on February 7, 2025, regarding the relief sought in this motion. Counsel for Plaintiffs consents to the requested relief.

5. Accordingly, Defendants respectfully request that this Court stay all deadlines in this action for 45 days. A proposed order is attached.

Dated: February 10, 2025

Respectfully submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General, Civil Division

JOSHUA E. GARDNER
Special Counsel, Federal Programs Branch

JOSEPH E. BORSON
Assistant Director, Federal Programs Branch

/s/ Alexander W. Resar
INDRANEEL SUR (D.C. Bar No. 978017)
Senior Counsel
ALEXANDER W. RESAR (N.Y. Bar No. 5636337)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW, Washington D.C. 20005
Tel: (202) 616-8188
E-mail: alexander.w.resar@usdoj.gov

Attorneys for Defendants